

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

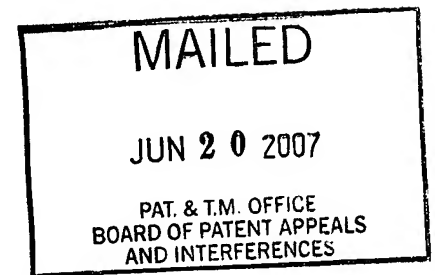
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Ex parte JOHN K. JACKSON, HELEN BURT,  
CHRISTOPHER SPRINGATE, and MARTIN GLEAVE

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Application No. 10/828,394

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on June 18, 2007. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner.

The matter requiring attention prior to docketing are identified below.

On December 8, 2006, appellants filed a reply brief in response to the Examiner's answer mailed October 23, 2006. However, there is no

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indication on the record whether or not the examiner has responded to the reply brief. Section § 1208.03 of the Manual of Patent Examining


Procedure (8<sup>th</sup> ed., Aug. 2001) states

[A]ppellant may file a reply brief as a matter of right within 2 months from the mailing date of the examiner's answer. . . . The primary must then either: (A) acknowledge receipt and entry of the reply brief by using form paragraph 12.47 on form PTOL-90; or (B) reopen prosecution to respond to the reply brief. See MPEP § 1208.02 [emphasis added].

Accordingly, it is

ORDERED that the application is electronically returned to the Examiner 1) for proper response to the reply brief filed December 8, 2006; and 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES



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